

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN MAHONEY , On Behalf of Himself and All Others Similarly Situated v. HERR FOODS INCORPORATED	CIVIL ACTION No. 19-5759
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ORDER RE: MOTION TO DISMISS

AND NOW, this 24th day of April, 2020, upon consideration of Defendant's Motion to Dismiss, (ECF 3), Plaintiff's Response in Opposition, (ECF 4), and Defendant's Reply, (ECF 5), and for the reasons stated in the foregoing Memorandum, it is hereby **ORDERED** that Defendant's Motion to Dismiss is **GRANTED** and Plaintiff's Complaint is **DISMISSED** without prejudice. Plaintiff may file an amended complaint within thirty (30) days.

BY THIS COURT:

s/ Michael M. Baylson
Michael M. Baylson
United States District Court Judge